

## A DISPUTED POINT.

The peculiar provisions of the Edmunds bill continue to create discussion. When we consider the differences of opinion concerning their legitimate bearing which prevailed in both House of Congress, and among members learned in the law, it should not be surprising that ordinary people dispute as to the meaning, validity and practical application of the doubtful paragraphs.

It is claimed by some that the provisions which are intended to disfranchise polygamists and persons cohabiting with more than one woman are unconstitutional, because they form in effect a punishment without a judicial trial. Others maintain that this is not the case, but that simply a new qualification for voting and holding office is provided, and that to determine the qualification no judicial action is necessary.

This is a point worth considering. Something can be said, of course, on both sides of the subject. But it is desirable that it should be examined from every standpoint and that a correct understanding should be reached. It will not be disputed that every accused person has the constitutional right to a trial before punishment is inflicted for the alleged offense. But is the declaration in the Edmunds bill concerning certain classes of persons and the qualification for voting and holding office, in the nature of punishment? Those who argue that it is not, claim that Congress has the right to impose qualifications for such purposes in the Territories, and that its action in that respect is not of a judicial nature. But it must be considered in this connection that the aim of this measure is to create and enforce a *disqualification*; to take away from individuals political rights and franchises which they have held, exercised and enjoyed. It is not like imposing some new condition such as the requirement of a tax, the arrival at a certain age, an educational test, a property qualification or anything of this nature, a position or status which may be reached or acquired by all citizens. It is a deprivation of something already attained and used as an acknowledged and vested right.

Strictly speaking, the provisions of section eight of the Edmunds bill do not form a new qualification at all; they are neither more nor less than an attempt to prevent people having all the qualifications required by law from exercising the powers arising from those qualifications, because of some alleged acts the committing of which has not been proven. If this is not punishment without judicial trial, what is it?

This brings up another question which has occasioned much debate, and that is, if a man is to be deterred from voting on the ground that he is a bigamist, polygamist, or person cohabiting with more than one woman, how is the disqualification to be determined? Supporters or apologists for the bill will answer, "In the same way that the required qualifications as to age, citizenship, taxpaying, etc., are determined." Well, we ask, how is that done? The reply will be, "If a man's citizenship is challenged, he can be required to prove it, so with his age or other qualification." This is all very well, but in the case under review, it is not a qualification to be established, but a disqualification to be determined. Is the citizen to prove his innocence, or the objector to demonstrate his guilt?

If a disqualification is claimed, must not the party urging it establish the validity of his charge? If not, is the challenged person to be compelled to prove a negative? How is a man to prove to a registrar or judge of election that he has not done a certain thing which has been made a penal offense? How is a man to prove, for instance, that he does not cohabit with more than one woman? There is no provision in the law for any such thing. And as every one is to be legally considered innocent of an alleged offense against the law until legally proven guilty, it is clear that he cannot be lawfully punished by the deprivation of any right that he possesses under the law until it is proven that he has committed the offense with which he is charged.

It is useless to say that in this instance he is not called to answer before a court but is merely challenged as to the possession of a right; the disqualification urged against him is made a criminal offense and

he cannot lawfully be compelled to prove his innocence in order to escape the punishment of a deprivation of that right; the burden of proof rests upon the accuser, and whether in a court or before a registrar the charge should be proven, not be left for the accused person to disprove.

In view of these considerations, we are of the opinion that if the attempt is made to enforce the law after the fashion desired by the enemies of the "Mormons," it will be, in practice, an unconstitutional measure. The right of suffrage once obtained is the incorporeal property of the citizen who holds it, of which he cannot be rightfully deprived without due process of law, and such deprivation is punishment not corporal, and cannot be rightfully inflicted without a judicial trial.

## GROSS IMMORALITY AT A PREMIUM.

It is well known that the Governor of this Territory, in order to excuse the fraud attempted in the matter of the Delegate's certificate, interpolated into the document given to the person not elected words not contemplated by the law, and which finally helped to put a quietus upon his claim to a seat. The outcome, it might be thought, would have proved a lesson to any ordinary sensible mind, not to repeat such folly and wrong.

But Governor Eli H. Murray is at it again. Some newly appointed officers requiring commissions, the Executive demands of them all subscription to the following oath:

"I do solemnly swear (or affirm) that I am not a bigamist or a polygamist; that I am not a violator of the laws of the United States prohibiting bigamy or polygamy; that I do not live or cohabit with more than one woman in the marriage relation, nor does any relation exist between me and any woman which has been entered into or continued in violation of the said laws of the United States prohibiting bigamy or polygamy."

The words in italics are as much of an interpolation and stretch of authority as were the words "being a citizen of the United States," inserted in the bogus certificate. And in this connection they bear a peculiar significance, not at all redounding to the credit of the Governor nor indicating any high regard for morality. They proclaim as loudly as words can, that cohabitation with more than one woman is not bar to office in Utah in Governor Murray's estimation, so long as the parties do not cohabit "in the marriage relation." Comment is needless. The plea that immorality is the object of gubernatorial hostility to the "Mormon" people is silenced, and promiscuity, unbridled lust and boundless licentiousness are thus placed at a premium.

## BUSINESS AND THE PETITION.

We publish to-day a letter we have received from a prominent gentleman in this community, in relation to a subject of much importance. The petition referred to, as our correspondent intimates, was not of a nature to compromise any signer, on the religious or other peculiarities of the "Mormon" people. Its object was to obtain a postponement of Congressional action upon Utah affairs, during the excited condition of the public mind and the corresponding agitation in the National Legislature, so that prudence and wise statesmanship might be brought to bear in consideration of the "Mormon" question, instead of that rashness and hasty determination which afterward culminated in the bill that has received such severe criticism from just men of all parties. As proof of this we here copy the petition, that all who read may understand its purport:

## MEMORIAL TO CONGRESS.

To the Honorable the Senate and House of Representatives of the United States, in Congress Assembled:

Gentlemen—We, the undersigned, merchants and business men, representing over \$10,000,000 in commercial enterprises and real estate in the Territory of Utah, do respectfully call to the attention of Congress the fact that our means have been invested in good faith; that we have been induced to enter into these enterprises by the apparent advantages of the Territory, and by the act of Congress establishing in Utah a territorial

form of government; such act and government being a direct guarantee of protection and of encouragement extended by Congress; the right of which body to exercise undisputed control over the affairs of this, as over the affairs of all other territories is unquestioned; that whatever differences of opinion may exist as to the peculiar forms, systems, or tenets of the "Mormon" faith, their government of the Territory has been such as has justified the establishment of manifold industries and enterprises; a fact demonstrated in the most liberal investment of means in the Territory by those directly opposed to, as well as by those in favor of "Mormon" institutions; that under their government it must be admitted the Territory has developed materially, whether due to "Mormon" or non-"Mormon" influences, we will not discuss; that under this government values have grown to be permanent, future prospects have become bright, the volume of inter-mountain business has a decided tendency in this direction, and a beneficial credit has been established abroad.

In view of these facts, we do petition your honorable body to give to any and all legislation at the present time proposed relative to this Territory grave consideration, that nothing may be done to retard the existing and increasing prosperity.

Your petitioners would further set forth that the effect of contemplated enactments has already manifested itself in disturbed valuations; and we feel constrained to predict that, should there be a continuation of the excited sentiment now existing by reason of the possible passage of extreme or unusual measures, our credit, both east and west, will be seriously if not fatally impaired; an event which would result in financial ruin to many, if not to the entire Territory.

We do rely implicitly upon the implied guaranty of Congress to protect us in our business enterprises; enterprises which have been inaugurated in the unshaken belief that we would be supported and upheld by Congress, and which, up to the present time, have been continued with success and profit to ourselves, with good to the communities in which they are situated, and much benefit to the whole country.

Therefore, we do protest against the passage of any measure, relative to Utah, by your honorable body, until it has first been clearly shown that the business interests of this Territory will not suffer in consequence.

And your petitioners, as in duty bound, will ever pray.

This document was presented to the mercantile and other business men and firms in this city for signature. So far as we can learn, and our source of information is reliable, the only non-"Mormon" houses that signed it were the following:

Godbe, Pitts & Co., Druggists.  
G. F. Culmer, Merchant.  
G. Arbogast, Contractor, etc.  
L. B. Matison, Wagon and Agricultural Implement Dealer.  
A. J. Johnson, Agricultural Implement Dealer.

L. Cotterell & Co., Wagon Dealer.  
W. H. Straub, Manager Osborne Machine Depot.

We do not know whether or not these gentlemen will approve of the publicity thus given to their names in this connection, but we are of the opinion that it will do them no harm here or elsewhere. Their signatures to the above petition cannot be construed by any person having common justice or common sense, as an endorsement of "Mormonism" or any part or feature thereof. A resident business man who could not endorse the statements contained in the document, must be either very ignorant of local affairs or ashamed or afraid of the truth. And we are satisfied that some who did not sign, were deterred through abject fear of the rapacious and plotting clique who apply the lash to such "Gentiles" as do not fall into their lines.

In regard to the other matter referred to by our correspondent, we have to say that it was an advertisement, inserted and paid for as such, and not containing a single line of editorial matter. Our readers ought to be able to draw a clear distinction between the advertising and editorial columns of this paper. They are under two different departments. The editor does not hold himself responsible for anything that is placed in the advertising columns by the publisher. If a liquor dealer advertises his wares, we do not endorse liquor drinking. If a quack advertises his pills, potions, nostrums or pretended cures, we do not counsel the people to swallow or put faith in them. We do not advise our readers to buy all that is offered for sale, either by friend or foe, through the medium of this paper. Still there should always be some mark to distinguish advertising from editorial matter, especially when both appear in the same kind of type. [Advertisement] should properly have been placed over the article in question.

The DESERET NEWS has, without exception, the best facilities of any newspaper in this region for reaching the people of the Territories, and live business men with an eye to

their own interests are not slow to perceive this, and so take advantage of the opportunities thus made available, to draw attention to their goods. They do not always endorse our sentiments, nor we their pretensions. Business is business; opinions, doctrines and arguments belong to another department. We wish our friends to understand that we do not control or interfere with the advertising columns, neither do we permit our views on any subject to be influenced by the patronage of advertisers, who hang up their business signs in the NEWS in order to attract the public, on the same principle as in painting their names and callings on a house front or marking them on a fence, only advertising is much the more respectable and efficacious method.

If the Latter-day Saints have not the good sense to discriminate between friends and foes, and to refrain from furnishing the latter with weapons to assail them, they should not complain when the consequences of their own folly are experienced. Self-preservation is said to be "the first law of nature," and common prudence suggests that while we do not cherish ill-will towards our enemies we should at least not support them at the expense of our friends.

## LEGISLATIVE EXPENSES.

It will be remembered that during the last session of the Legislative Assembly considerable discussion was had over the question of legislative expenses, some members taking the position that all the printing and other incidental expenses could be paid by the Secretary out of the amount appropriated by Congress, and that the Assembly had no right to appropriate anything for such expenses. The NEWS explained the restrictions placed upon the Secretary, and argued that the contingent expenses of the Legislature for such things as were not provided for by Congress, such as extra clerk hire, printing of the minutes, etc., should be paid out of the Territorial Treasury. The following letter from the Comptroller bears directly upon this matter:

TREASURY DEPARTMENT,  
First Comptroller's Office,  
Washington, D. C.,  
April 3, 1882.

Hon. A. L. Thomas, Territorial Secretary, Salt Lake City, Utah:

Sir.—In reply to your several questions I have to say that, "the subordinate officers of each branch of the Legislature appropriated for are, one chief clerk, one enrolling and engrossing clerk, one sergeant-at-arms and doorkeeper, one mes-eng-r, one watchman, one chaplain—six in all. Of the appropriation on only \$2,500 can be used for printing in any one year—and the appropriations for one year can not be used for any other year. If in an itemized estimate, more than \$2,500 had been asked for and the total amount asked for had been appropriated, then, perhaps, the amount asked for printing could be used for that purpose. Only the bills, laws and journals of the Legislature and the necessary blanks for the office of the Secretary can be paid for out of the appropriation. The Secretary cannot pay for daily slips of the minutes, even by calling such the "journal." Pocket knives can not be furnished to the members from the appropriation. The Secretary is held responsible for the expenditure of the Legislative expense appropriation.

Respectfully,  
WM. LAWRENCE,  
Comptroller.

## SELF-PROTECTION.

SALT LAKE CITY,  
March 11th, 1882.

Editor Deseret News:

The Latter-day Saints, during Conference, received much valuable advice pertaining to things both spiritual and temporal. In reference to the latter, they were counseled to refrain from patronizing in their business relations all those who so recently defined their attitude towards the people of Utah in refusing to sign a petition to Congress against hasty special legislation. The spirit to pursue this course was, by the very nature of the circumstances, deeply impressed upon the heart of every true Latter-day Saint, weeks before any counsel was given in relation thereto.

Our outside friends were not re-

quested, as I understand, to compromise themselves by endorsing any part of the religion of the "Mormon" people—if I am wrong you can, no doubt, correct me—but to attest facts which they knew to be true. In the boundless charity which the Saints have been taught to entertain for the people of all the world, many of them have utterly failed to comprehend the saying of Jesus that, "Those who are not for you are against you." Experience, sad though it may be, cannot fail to impress upon the minds of the thoughtful the forcible truth of the saying; and while we are, through their own act, compelled to withdraw our support from those who have refused to be our friends when there seemed to be a time of need, we can but regret the lack of gratitude on the part of many made wealthy by the patronage of the people. We should not, however, be unjust. If others can afford to be so, we cannot. I would therefore respectfully suggest and request that you publish in the NEWS the names, if you have them, of all non-"Mormon" merchants who signed, so that the people may be able to discriminate between those that did, and those that did not sign the petition.

One reason for making this request is to be found on the first page of our issue of the 3th inst., whereon is set forth at length and in detail the affairs and manufacturing facilities of a prominent firm doing business in this city and Territory. This may be inserted as an advertisement and as such in no wise have the endorsement of the NEWS, but it does not so appear.

Will you please explain and oblige a  
SUBSCRIBER.

## SALT RIVER DISTRICT CONFERENCE.

MESA, April 3, 1882.

Our Quarterly Conference commenced on Saturday morning, at 10 o'clock, with Elders H. C. Rogers and G. W. Sirrine both present on the stand.

Meeting opened by singing the hymn on page 134.

Prayer by G. W. Sirrine.

The Choir then sang the hymn on page 28.

Elder David Savage addressed the meeting on the necessity of the Saints preparing themselves for coming events. He was followed by C. I. Robson on the principle of obedience, when Counselor H. C. Rogers made some appropriate remarks, exhorting the Saints to attend to their duties.

The Choir sang, "Jesus mighty King in Zion, etc."

Meeting adjourned till 2 p.m.

Prayer by J. M. Lewis.

2 p.m.

Meeting opened by singing, "The Lord my pasture shall prepare."

Prayer by Francis M. Pomeroy.

The choir sang, "I saw a mighty angel fly."

Elder Llewellyn Harris addressed the meeting, giving his experience with the Lamanites in the last 21 years, showing the great change amongst them.

Elder H. S. Phelps bore a faithful testimony to this being the work of God.

Counselor G. W. Sirrine spoke at some length on the fulfillment of prophecy, showing how we should live to our privileges, so as to be worthy of the blessing.

He was followed by Elder A. F. Stewart, who spoke very encouragingly to the Saints and bore a strong testimony to this being the work of God that should never be overthrown worlds without end, exhorting the Saints to attend to their prayers.

The choir sang, "Lord dismiss us with thy blessing."

Meeting adjourned till 10 a.m.

Prayer by J. Hibbert.

6 p.m.

The brethren met and transacted all the business that was talked of in our council meeting on the meeting of the 18th ult.

Sunday, 10 a.m.

Meeting was opened by the choir singing, "All hail the glorious day." Prayer by A. F. Stewart.

The choir sang, "Never from Thee." Elder H. W. Brizzee spoke on the attributes of the Godhead. He was followed by J. P. Steel, comparing our organization with that of our Savior established while upon the earth. He also spoke on the necessities of rebaptism, on fasting, stock raising, and mercantile business.

The choir sang, "Guide us Oh